

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SARAH J. PIERCE,

*Plaintiff,*

v.

BETTER HOLDCO, INC., VISHAL GARG, and  
NICHOLAS CALAMARI,

*Defendants.*

No. 1:22-cv-04748-AT-(S.D.N.Y.)

**STIPULATION CONSENTING  
TO PLAINTIFF'S FILING OF  
AMENDED COMPLAINT AND  
SETTING BRIEFING  
SCHEDULE; [PROPOSED]  
ORDER**

WHEREAS, Plaintiff Sarah J. Pierce filed a Complaint against Defendants Better Holdco., Inc. (“Better”), Vishal Garg (“Garg”), and Nicholas Calamari (“Calamari”) (collectively, “Defendants”) in the above-captioned action on June 7, 2022 (the “Initial Complaint”); and

WHEREAS, Defendant Better and Defendants Garg and Calamari moved to dismiss the Initial Complaint on September 16, 2022 (ECF Doc. 33, 35); and

WHEREAS, Plaintiff filed an Opposition to the Separate Motions to Dismiss (“Opposition”) (ECF Doc. 44) along with a Cross-Motion for Leave to File an Amended Complaint Under Fed. R. Civ. P. 15 (ECF Doc. 45) (the “Cross-Motion”), as well as a Declaration in Support thereof (ECF Doc. 46) and proposed Amended Complaint (ECF Doc. 46, Ex. 2) (the “Proposed Amended Complaint”) on November 1, 2022; and

WHEREAS, Plaintiff indicated in her Opposition that on or about November 28, 2022, she intends to transfer a claim for retaliation in violation of the Sarbanes-Oxley Act of 2002 to “Federal District Court in the form of a new action that may or may not be then consolidated with the instant matter.” (ECF Doc. 44 at 2); and

WHEREAS, Plaintiff's filing of the Cross-Motion and of the Proposed Amended Complaint renders unnecessary further briefing on Defendants Motions to Dismiss the Initial Complaint;

WHEREAS, the Parties believe it would be a more efficient use of the Court's and the parties' resources for Plaintiff to file a single consolidated amended complaint reflecting both the new allegations she included in her Proposed Amended Complaint and her purported SOX claim; and

WHEREAS, the Parties served requests for production and interrogatories (the "Initial Requests") on November 4, 2022, pursuant to the Civil Case Management Plan (ECF No. 39), and the Parties' respective responses and objections to the Initial Requests are due December 5, 2022 pursuant to Fed. R. Civ. P. 34(a)(2)(A);

IT IS HEREBY STIPULATED AND AGREED by and between the parties, through their respective counsel, as follows:

1. The Parties agree that by December 9, 2022, Plaintiff will file an amended complaint;
2. Defendants' deadline to respond to that amended complaint will be January 16, 2022;
3. Upon filing of the amended complaint, the Motions to Dismiss the Initial Complaint (ECF Doc. 33, 35), Opposition (ECF Doc. 44), and Cross-Motion for Leave to File an Amended Complaint Under FRCP 15 (ECF Docs. 46) shall be deemed withdrawn by the Parties;
4. The Parties' responses and objections to the Initial Requests will be due December 21, 2022.

Dated: November 28, 2022

*Ethan Leonard*

Neal Brickman  
Ethan Leonard  
Attorneys for Plaintiff Sarah Pierce  
420 Lexington Avenue Suite 2811  
New York, NY 10170  
(212) 986-6840  
[neal@brickmanlaw.com](mailto:neal@brickmanlaw.com)

*SPW*  
Steven G. Kobre  
Steven W. Perlstein  
Michael Bahn  
KOBRE & KIM LLP  
Attorneys for Defendants Vishal Garg  
And Nicholas Calamari  
800 Third Avenue  
New York, NY 10022  
(212) 488-1200  
[Steven.Kobre@kobrekim.com](mailto:Steven.Kobre@kobrekim.com)  
[Steven.Perlstein@kobrekim.com](mailto:Steven.Perlstein@kobrekim.com)  
[Michael.Bahn@kobrekim.com](mailto:Michael.Bahn@kobrekim.com)

*Roberta A. Kaplan*

Roberta A. Kaplan  
Timothy S. Martin  
Kate L. Doniger  
KAPLAN HECKER & FINK LLP  
Attorneys for Defendant Better Holdco, Inc.  
350 Fifth Avenue, 63rd Floor  
New York, NY 10118  
212.763.0883  
[rkaplan@kaplanhecker.com](mailto:rkaplan@kaplanhecker.com)  
[tmartin@kaplanhecker.com](mailto:tmartin@kaplanhecker.com)  
[kdoniger@kaplanhecker.com](mailto:kdoniger@kaplanhecker.com)

**IT IS SO ORDERED.**

Date: \_\_\_\_\_, 2022

---

Hon. Analisa Torres  
United States District Judge